

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STATE OF OHIO *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.¹

Civil Action No. 3:24-cv-283-MJN-PBS

Judge Michael J. Newman

Magistrate Judge Peter B. Silvain, Jr.

**DEFENDANTS' THIRD MOTION FOR AN EXTENSION OF TIME TO
ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants United States Department of Homeland Security (the “Department”) and Kristi Noem in her official capacity as Secretary of Homeland Security (“the Secretary” and collectively with the Department, “Defendants”) respectfully move the Court for a 60-day extension of time to answer or otherwise respond to the Complaint, *see* ECF No. 1 (“Compl.”), from May 8, 2025 to July 7, 2025. As good cause for this request, to which Plaintiffs oppose only in part, Defendants state as follows:

1. On October 24, 2024, Plaintiff filed this action seeking to compel the Department to provide a response to Plaintiffs’ voter citizenship inquiries. *See* Complaint, ECF No. 1.

2. After two extensions, Defendants’ current deadline to answer or otherwise respond to the complaint is this Thursday, May 8, 2025. *See* Order of Feb. 7, 2025.

3. Defendants now respectfully request 60 additional days to answer or otherwise respond to the Complaint.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kristi Noem, Secretary of Homeland Security, is automatically substituted as a defendant in her official capacity for her predecessor, Alejandro Mayorkas.

4. The parties are currently engaged in active settlement discussions, and are hopeful that they will ultimately be able to resolve this matter without the need for further involvement from the Court. Nevertheless, the parties' discussions are ongoing, and the parties need additional time to attempt to reach an agreement and then reduce it to writing.

5. This is Defendants' third request for an extension of this deadline. No trial date or other deadlines have been set in this case, and the granting of this extension will not impact any other deadline.

6. Before filing this motion, pursuant to Local Rule 7.3, counsel for Defendants conferred with counsel for Plaintiffs, who reported that Plaintiffs (1) do not oppose a 45-day extension, but (2) oppose any longer extension.

7. For these reasons, Defendants respectfully request a 60-day extension of time. In the alternative and at a minimum, however, Defendants alternatively request a 45-day extension of time, a request that Plaintiffs do not oppose.

Dated: May 6, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division

ANDREW I. WARDEN
Assistant Branch Director

/s/ Stephen M. Pezzi
STEPHEN M. PEZZI
Florida Bar No. 1041279
Senior Trial Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 305-8576
Email: stephen.pezzi@usdoj.gov

Counsel for Defendants